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6 Attorneys for Plaintiff
7 SPOTLIGHT SURGICAL, INC.

8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**

10 SPOTLIGHT SURGICAL, INC.,
11 Plaintiff,
12 v.
13 DEPUY, INC. and DEPUY SPINE, INC.,
14 Defendants.

Case No. C-07-03362 JF

**STIPULATION (SECOND) AND
[PROPOSED] ORDER TO CONTINUE
CASE MANAGEMENT CONFERENCE
AND RELATED DEADLINES**

16 Plaintiff Spotlight Surgical, Inc., on the one hand, and defendants DePuy, Inc. and
17 DePuy Spine, Inc., on the other, hereby stipulate and agree, through their respective counsel,
18 as follows:

19 1. The Court's Order To Continue Case Management Conference And Related
20 Deadlines entered on November 9, 2007 sets forth the following deadlines:

23 December 6, 2007

Last day to:

- 24 • meet and confer re: initial disclosures, early settlement,
- 25 ADR process selection, and discovery plan; and
- 26 • file Joint ADR Certification with Stipulation to ADR
- 27 Process or Notice of Need for ADR Phone Conference.

28 **STIPULATION AND [PROPOSED] ORDER TO CONTINUE CASE MANAGEMENT CONFERENCE AND
RELATED DEADLINES**

CASE NO.: C-07-03362 JF

1 December 20, 2007

Last day to file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report and file Case Management Statement.

2 January 4, 2008

Initial Case Management Conference (CMC) in Courtroom 3, 5th Floor, SJ at 10:30 a.m.

3. The parties have been engaged in settlement discussions to resolve this litigation and have reached a settlement in principle, subject to the parties' entry into a mutually acceptable settlement agreement.

4. The parties wish to continue the Initial Case Management Conference and extend the deadlines for the parties to meet and confer regarding initial disclosures, early settlement, ADR process selection, and discovery plan; file Joint ADR Certification with Stipulation to ADR Process or Notice of Need for ADR Phone Conference; and file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report and file Case Management Statement, all for approximately 30 days, in order to conserve the resources of the parties and the Court and to allow the parties time to finalize settlement.

5. There being good cause, the parties hereby stipulate and respectfully request that the Court issue an Order resetting the above deadlines as follows:

6 January 7, 2008

Last day to:

- meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan; and
- file Joint ADR Certification with Stipulation to ADR Process or Notice of Need for ADR Phone Conference.

7 January 21, 2008

Last day to file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report and file Case Management Statement.

1 February 1, 2008

Initial Case Management Conference (CMC) in Courtroom
2 3, 5th Floor, SJ at 10:30 a.m.

3 Dated: December 4, 2007

4 HELLER EHRLMAN LLP

5 By Harold J.

6 Harold J. Milstein

7 Attorneys For Plaintiff SPOTLIGHT
8 SURGICAL, INC.

9 Dated: December 4, 2007

10 MORGAN, LEWIS & BOCKIUS LLP

11 By Leslie C. McKnew

12 Attorneys for Defendants DEPUY, INC. and
13 DEPUY SPINE, INC.

14 PURSUANT TO STIPULATION, IT IS SO ORDERED.

15 Dated: 12/5, 2007

16 
17 The Honorable Jeremy Fogel
18 United States District Judge